

Amendment No. 2 to SB0932

Bailey
Signature of Sponsor

AMEND Senate Bill No. 932*

House Bill No. 1335

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1551, is amended by deleting the section and substituting instead the following:

(a) Except as provided in subsections (b) and (c), the general assembly intends by this part and other provisions of Tennessee Code Annotated to occupy and preempt the entire field of legislation concerning the regulation of tobacco products and vapor products.

(b)

(1) A municipality, a county, or a county having a metropolitan form of government may, by local ordinance or resolution, prohibit the use of tobacco products and vapor products:

(A) In buildings and on property owned and leased by such entities, including public sidewalks on or within such property; and

(B) On the grounds of a hospital or in the public areas immediately outside of a hospital building and its entrances, including public sidewalks. An ordinance or resolution adopted pursuant to this subdivision (b)(1)(B) may prohibit the use of tobacco products and vapor products by a distance of up to fifty feet (50') from a hospital's entrance unless the application of a fifty-foot limit would place hospital patients in a potentially unsafe condition, in which case the fifty-foot limit must be extended to such distance as is necessary to ensure patient safety as determined by the local government's legislative body in consultation with

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representatives of any hospitals that are subject to the regulation or ordinance.

(2) An airport authority created pursuant to title 42, or utility district created pursuant to title 7, may regulate the use of tobacco products in buildings and on property owned or leased by such entities, including sidewalks on such property.

(3) An ordinance, resolution, or regulation adopted pursuant to subdivision (b)(1)(A) or (b)(2) must not:

- (A) Be less restrictive than that required by state law;
- (B) Prohibit the use of smokeless tobacco products; and
- (C) Prohibit the use of tobacco products and vapor products:

(i) In an area listed in any subdivision in § 39-17-1804, except § 39-17-1804(4); or

(ii) On public sidewalks, except as provided in subdivision (b)(1)(A) and (b)(2).

(c) This section does not affect or repeal any regulation of the use of tobacco products that was implemented by a municipality, county, county having a metropolitan form of government, airport authority, or utility district pursuant to this section as it existed prior to July 1, 2019.

(d) This section does not authorize a municipality, county, or county having a metropolitan form of government to create any tax on tobacco.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.